

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BOBBY SINGLETON et al.,

Plaintiffs,

v.

Case No.: 2:21-cv-01291-AMM

**JOHN H. MERRILL, in his official
capacity as Alabama Secretary of State,
et al.,**

Three-Judge Court

Defendants.

***SINGLETON PLAINTIFFS' RESPONSE IN OPPOSITION TO
DEFENDANTS' EMERGENCY MOTION FOR STAY PENDING APPEAL***

The *Singleton* Plaintiffs oppose Defendants' Emergency Motion for Stay Pending Appeal, stating as follows:

1. In considering whether to stay an injunction pending appeal, courts consider, among other factors, whether issuance of the stay will substantially injure the other parties interested in the proceeding, and where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 426 (2009).
2. The *Singleton* Plaintiffs, as well as the Alabama voting public, would be substantially injured by the issuance of a stay in the injunction. If the stay is issued, and the 2022 election is conducted with the invalid map, the *Singleton* Plaintiffs and the Alabama voting public stand to suffer denial of their right to full and equal political participation in the 2022 elections. *See Dillard v. Crenshaw Cty.*, 640 F. Supp. 1347, 1363 (M.D. Ala. 1986).
3. As further response, the *Singleton* Plaintiffs adopt and incorporate herein the *Milligan* and *Caster* Plaintiffs' Responses to Defendants' Emergency Motion for Stay Pending Appeal, both filed today.

Dated: January 26, 2022

Respectfully submitted,

/s/ James Uriah Blacksher
James Uriah Blacksher
825 Linwood Road
Birmingham, AL 35222
Tel: (205) 612-3752
Fax: (866) 845-4395
Email: jublacksher@gmail.com

Joe R. Whatley, Jr.
W. Tucker Brown
WHATLEY KALLAS, LLP
2001 Park Place North
1000 Park Place Tower
Birmingham, AL 35203
Tel: (205) 488-1200
Fax: (800) 922-4851
Email: jwhatley@whatleykallas.com
tbrown@whatleykallas.com

/s/ Henry C. Quillen
Henry C. Quillen
(admitted *pro hac vice*)
WHATLEY KALLAS, LLP
159 Middle Street, Suite 2C
Portsmouth, NH 03801
Tel: (603) 294-1591
Fax: (800) 922-4851
Email: hquillen@whatleykallas.com

Myron Cordell Penn
PENN & SEABORN, LLC
1971 Berry Chase Place
Montgomery, AL 36117
Tel: (334) 219-9771
Email: myronpenn28@hotmail.com

Diandra “Fu” Debrosse Zimmermann
Eli Hare
DICELLO LEVITT GUTZLER
420 20th Street North, Suite 2525
Birmingham, AL 35203
Tel.: (205) 855.5700
Email: fu@dicellosevitt.com
ehare@dicellosevitt.com

Counsel for Plaintiffs